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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,505	03/29/2001	Maria Azua Himmel	AUS920010172U1	5090

7590 02/12/2004

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EXAMINER
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MATZ, DANIEL R

ART UNIT	PAPER NUMBER
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3641

DATE MAILED: 02/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Applicati n No.</b> 09/820,505	<b>Applicant(s)</b> HIMMEL ET AL.	
	<b>Examiner</b> Daniel Matz	<b>Art Unit</b> 3641	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11/21/03.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)              | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 4, 6-10, 13-18, and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Den Berghe et al. in view of USPN 6,101,482 granted to DiAngelo et al.

Regarding claim 1, Van Den Berghe et al. disclose method of online shopping having all of the claimed features (as discussed in Section 2 of the Office Action dated 9/9/03) with the exception of using a browser plug-in to implement the shopping cart. DiAngelo et al. teach (fig. 3, col.5, lines 15-27) use of a browser plug-in as an art-recognized method to facilitate a universal shopping cart function. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to implement the online shopping method of Van Den Berghe et al. by the use of a browser plug-in to facilitate a universal shopping cart function.

Regarding claims 2, 4, and 6-10, Van Den Berghe et al. disclose a method further comprising the claimed features as discussed in Section 2 of the Office Action dated 9/9/03.

Regarding claims 13-18, Van Den Berghe et al. and DiAngelo et al. disclose/teach a computer program product stored in a computer-useable medium (and

Art Unit: 3641

loaded onto and executed on computer servers – see Van Den Berghe et al. abstract) having the claimed features as discussed above regarding claims 1-2, 4, and 8-10.

Regarding claims 21-24, Van Den Berghe et al. and DiAngelo et al. disclose/teach a system for online shopping (see Van Den Berghe et al. claims 1-25, and figures 4-8) having the claimed features as discussed above regarding claims 1-2, 4, and 10.

3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Van Den Berghe et al. and DiAngelo et al. as applied to claim 1 above, in view of USPN 6,141,653 granted to Conklin et al.

Regarding claim 3, see the Section 4 of the Office Action dated 9/9/03.

4. Claims 5, 12, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Den Berghe et al. and DiAngelo et al. as applied to claims 1 and 13 above, in view of USPN 6,125,352 granted to Franklin et al.

Regarding claims 5, 12, and 20, see the Section 5 of the Office Action dated 9/9/03.

5. Claims 11 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Den Berghe et al. and DiAngelo et al. as applied to claims 1, 10, 13, and 18 above, in view of USPN 5,182,705 granted to Barr et al.

Regarding claims 11 and 19, see Section 6 of the Office Action dated 9/9/03.

### ***Response to Arguments***

6. Applicant's arguments filed 11/21/03 have been fully considered but they are not persuasive. The above claim rejections overcome applicant's arguments.

**Conclusion**

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

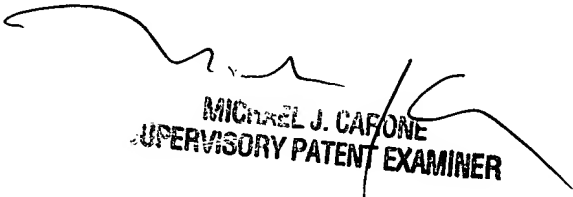
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Matz whose telephone number is (703) 306-4164. The examiner can normally be reached on Mon-Thurs, alt Fri 7:30am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on (703) 306-4198. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3641

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DM



MICHAEL J. CAFONE  
SUPERVISORY PATENT EXAMINER